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Attorneys for Plaintiff HP Tuners, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HP TUNERS, LLC, a Nevada limited liability
company,

Plaintiff,

vs.

KENNETH CANNATA,

Defendant.

Case No. 3:18-cv-00527-LRH-WGC

**PLAINTIFF’S RESPONSE TO MOTION
TO WITHDRAW AND MOTION TO
MODIFY SCHEDULING ORDER**

Plaintiffs HP TUNERS, LLC, a Nevada limited liability company (“HPT” or “Plaintiff”),
for its response to Motion to Withdraw and Motion to Modify Scheduling Order states as follows:

1. On January 9, 2020, Defendant’s counsel filed their motion to withdraw as counsel
for Defendant.

2. Plaintiff does not object to Defendant’s counsel’s request to withdraw as attorneys
for Defendant in this case.

3. However, as detailed in Plaintiff’s Motion to Compel and Reply Brief submitted in

1 further support of Motion to Compel (Dkt. 49 and Dkt. 53 (“Motion to Compel”)), Defendant’s
2 discovery misconduct and the delay which will be attributable to the contemplated withdrawal of
3 Defendant’s counsel necessitates the modification of the Scheduling Order entered in this case,
4 particularly the deadline for Plaintiff to complete fact discovery and for Plaintiff to disclose its
5 experts.

6 4. To date, Plaintiff has not obtained compliance with Defendant’s discovery answers,
7 responses and production and virtually no documents and information have been produced in this
8 case. Consequently, Plaintiff has been unable to obtain fact discovery, take Defendant’s deposition
9 or engage experts.

10 5. Moreover, as detailed in Plaintiff’s Motion, Defendant’s conduct herein has
11 impeded and interfered with Plaintiff’s ability to meet the deadlines set forth therein.

12 6. Consequently, the deadlines for Plaintiff to complete fact discovery and to disclose
13 its experts should be extended in this case.

14 WHEREFORE, HP TUNERS, LLC, respectfully prays for an Order extending the
15 deadlines for Plaintiff’s completion of fact discovery and the disclosure of Plaintiff’s expert and/or
16 enter such other and further relief as deemed necessary and appropriate.

17 DATED this 21st day of January, 2020.

18 LEE HIGH, LTD.

19 /s/ Elizabeth High, Esq.

20 CECILIA LEE, ESQ.

21 ELIZABETH HIGH, ESQ.

22 MARKS & KLEIN

23 /s/ Andrew P. Bleiman, Esq.

24 ANDREW P. BLEIMAN, ESQ.

25 Attorneys for Plaintiff HP Tuners, LLC
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify under penalty of perjury that I am an employee of LEE HIGH, LTD., 448 Ridge Street, Reno, Nevada 89501, and that on January 21, 2019, I served copies of the PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO WITHDRAW AND MOTION TO MODIFY SCHEDULING ORDER via the Court's Notice of Electronic Filing to all those persons listed on the United States District Court CM/ECF Confirmation Sheet.

DATED this 21st day of January, 2020.

/s/ Elizabeth Dendary, CP
ELIZABETH DENDARY, CP
Certified Paralegal